

Paul F. Bittle, a witness of lawful age, produced on behalf of the Plaintiff, after having been duly sworn, deposes and says:

(Examined by Mr. Byron W. Thompson)

Q. State your name and address.

A. Paul F. Bittle, Myersville, Maryland.

Q. How long have you lived in the Myersville community?

A. 44 years.

Q. Were you acquainted with Peter F. Shepley, Lillian H. Shepley and Elias E. Shepley?

A. Yes. I knew them all. Elias E. Shipley was a brother to Peter F. Shepley, and Lillian H. Shepley was the wife of Peter F. Shepley.

Q. Are these parties living or dead?

A. All three are deceased.

Q. Do you know when they died?

A. Elias E. Shepley died on or about December 24, 1934; his brother Peter died on or about May 25, 1943, and Lillian H. Shepley died on or about October 22, 1954.

Q. Did any of these three leave a will?

A. No, not to my knowledge.

Q. Did Peter F. Shepley and his wife and Elias E. Shepley, his brother, own real estate in the Myersville area during their lifetime?

A. Yes. They owned a tract containing $2\frac{1}{2}$ acres, more or less, near Myersville which was conveyed to them by Effie L. Ausherman.

Q. I show you a certified copy of a deed marked "Plaintiff's Exhibit No. 1" and ask you if that deed describes the real estate you have just mentioned?

A. Yes.